

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES
STATE ENVIRONMENTAL COMMISSION
HEARING ARCHIVES FOR
REGULATORY PETITIONS**

COMMISSION PETITION NO. 2000-03

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-206-99

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B
REGULATORY PETITIONS**

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

<p>Secretary of State Filing Data</p>

**For Filing Administrative
Regulations**

<p>For Emergency Regulations Only</p> <p>Effective Date</p> <p>Expiration Date</p> <p>Governor's Signature</p>
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State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: Petition 2000-03 (LCB R-206-99) permanently amends NAC 445A.232 "fees" and NAC 445A.263 in the water pollution control program. This petition affects fees other than those fees previously amended by Petition 1999-02 (LCB R-018-99) which amended mining water pollution control discharge fees. This regulation increases the fees for municipal wastewater dischargers, reuse, industrial dischargers, water treatment plants, confined animal feed operations, fish hatcheries, biosolids reuse, septage reuse, and temporary permits.

Authority citation other than 233B: NRS 445A.425 and NRS 445A.430

Notice date: November 16, 1999, November 17, 1999, November 24, 1999 and December 2, 1999

Hearing date: December 16, 1999

Date of Adoption of Agency: December 16, 1999

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PERMANENT PETITION 2000-03 (R-206-99)
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This permanent regulation deals with amendments to the water pollution control fees.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2000-01 (R-170-99), was noticed four (4) times: November 16, November 17, November 24 and December 2, 1999 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. Regulatory workshops were held on November 2, 3 & 4, 1999 in Elko, Carson City and Las Vegas. Notice of the workshops was published on October 2, 4, 6 and 8, 1999 in varied statewide newspapers. A report was prepared that summarized the public meetings. Approximately 24 letters were received and 32 persons attended the workshop. All affected permittees were mailed the proposed fees, including other interested parties. The regulation was adopted by the State Environmental Commission on December 16, 1999. Verbal comments from the City of Henderson, Las Vegas and Clark County Sanitation District were received at the Commission's hearing supporting this permanent regulation. No written comments were received for this permanent regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	44
(b)	Testified at each hearing:	3
(c)	Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral testimony was received that opposed or supported the permanent regulation. No written testimony was received relating to the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission on December 16, 1999 with minor changes to language supporting the fees.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed fees will result in a total increase in annual costs to all dischargers required to obtain a permit under Nevada 445A.228 through 292 of \$700,000. The impact to each discharger will depend upon the flow rate and type of discharge (Attachment B Table with current and proposed fees). The proposed fee schedule was developed with the impact on the smaller discharger in mind. The percentage increases on the smaller discharger are lower and the percentage increases on the larger discharger are higher. The justification for this is in the time spent on larger dischargers vs. the time spent on smaller dischargers. For example, the fee for municipal dischargers with a flow rate less than 25,000 gallons per day the proposed annual fee increase is from \$600 to \$1,000, a 66% increase. A municipal discharger with a flow of greater than 10,000,000 gallons per day has a proposed annual fee increase of \$2,500 to \$20,000 a 800% increase.

The adverse impacts and immediate effects will be the potential inability for certain facilities to absorb the increase and pay in a timely manner. The Division has attempted to soften this impact by proposing a payment plan for facilities with hardships. The beneficial and long term effects of increasing the fees include no disruption in services to the dischargers and keeping the NPDES program administered by the state. The Division is also proposing a built in fee increase plan beginning July 1, 2002 (State fiscal year 2003) based on a 5% increase every biennium to prevent large fee increases in the future and to keep up with inflation.

(b) Estimated economic effect on the public;

The rate payers will experience an increase in their fees for domestic wastewater treatment and disposal that is not considered significant for the majority of the state. The public will continue to benefit by keeping the regulation of the State's discharge program under the administration of the Division, rather than a federal agency not as familiar with State issues.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

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7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation is a fee increase. The Division expects to annually collect \$ 700,000. These funds will be used to pay for **existing** statewide water pollution control activities including; permitting, enforcement, technical oversight and inspection services of the Bureau of Water Pollution Control in the Division of Environmental Protection. This fee increase was incorporated into the Fiscal Year 2000-2001 **Legislatively approved budget**.

END OF FILING STATEMENT FOR 2000-03 (R-206-99)

**FILED PERMANENT REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R206-99

§§1 and 3 effective January 26, 2000

§§2 effective July 1, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 445A.425 and 445A.430; §3, NRS 445A.425.

Section 1. NAC 445A.232 is hereby amended to read as follows:

445A.232 1. Except as otherwise provided in subsections 2 and ~~5~~ **7**, a nonrefundable application fee must accompany each original application for a permit, *each application for a modification to a permit, other than a minor modification made pursuant to NAC 445A.263*, and each application to renew a permit which is submitted to or required by the director. The director shall charge the following fees:

<i>Type of Permit Issued</i>	<i>Application Fee</i>	<i>Fee for Annual Review and Services</i>
<i>DISCHARGE OF DOMESTIC WASTEWATER</i>		
<i>Less than 50,000 gallons daily.....</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>50,000 gallons or more but less than 250,000 gallons daily.....</i>	<i>1,500</i>	<i>1,500</i>
<i>250,000 gallons or more but less than 500,000 gallons daily.....</i>	<i>2,000</i>	<i>2,000</i>
<i>500,000 gallons or more but less than 1,000,000 gallons daily.....</i>	<i>3,000</i>	<i>3,000</i>
<i>1,000,000 gallons or more but less than 2,000,000 gallons daily.....</i>	<i>4,000</i>	<i>4,000</i>

<i>2,000,000 gallons or more but less than 5,000,000 gallons daily.....</i>	<i>6,000</i>	<i>6,000</i>
<i>5,000,000 gallons or more but less than 10,000,000 gallons daily.....</i>	<i>10,000</i>	<i>10,000</i>
<i>10,000,000 gallons or more but less than 20,000,000 gallons daily.....</i>	<i>10,000</i>	<i>20,000</i>
<i>20,000,000 gallons or more but less than 40,000,000 gallons daily.....</i>	<i>10,000</i>	<i>30,000</i>
<i>40,000,000 gallons or more daily.....</i>	<i>10,000</i>	<i>40,000</i>
<i>DISCHARGE OF TREATED EFFLUENT FOR IRRIGATION</i>		
<i>Less than 50,000 gallons daily.....</i>	<i>\$750</i>	<i>\$750</i>
<i>50,000 gallons or more but less than 250,000 gallons daily.....</i>	<i>1,000</i>	<i>1,000</i>
<i>250,000 gallons or more but less than 500,000 gallons daily.....</i>	<i>1,250</i>	<i>1,250</i>
<i>500,000 gallons or more but less than 1,000,000 gallons daily.....</i>	<i>1,500</i>	<i>1,500</i>
<i>1,000,000 gallons or more but less than 10,000,000 gallons daily.....</i>	<i>2,000</i>	<i>2,000</i>
<i>10,000,000 gallons or more but less than 20,000,000 gallons daily.....</i>	<i>2,500</i>	<i>2,500</i>
<i>20,000,000 gallons or more but less than 40,000,000 gallons daily.....</i>	<i>3,000</i>	<i>3,000</i>
<i>40,000,000 gallons or more daily.....</i>	<i>3,500</i>	<i>3,500</i>

**DISCHARGE FROM REMEDIATION,
DEWATERING, OTHER THAN A DISCHARGE
TO GROUNDWATER FROM THE
DEWATERING OF A MINE, OR FROM A
POWER PLANT, A MANUFACTURING OR FOOD
PROCESSING FACILITY OR ANY
OTHER COMMERCIAL OR INDUSTRIAL
FACILITY**

<i>Cooling water only.....</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Less than 50,000 gallons of process water daily.....</i>	<i>2,500</i>	<i>2,500</i>
<i>50,000 gallons or more but less than 250,000 gallons of process water daily</i>	<i>3,000</i>	<i>3,000</i>
<i>250,000 gallons or more but less than 500,000 gallons of process water daily</i>	<i>4,000</i>	<i>4,000</i>
<i>500,000 gallons or more but less than 1,000,000 gallons of process water daily</i>	<i>5,000</i>	<i>5,000</i>
<i>1,000,000 gallons or more but less than 2,000,000 gallons of process water daily</i>	<i>6,000</i>	<i>6,000</i>
<i>2,000,000 gallons or more but less than 5,000,000 gallons of process water daily</i>	<i>8,000</i>	<i>8,000</i>
<i>5,000,000 gallons or more but less than 10,000,000 gallons of process water daily</i>	<i>10,000</i>	<i>10,000</i>
<i>10,000,000 gallons or more but less than 20,000,000 gallons of process water daily</i>	<i>10,000</i>	<i>20,000</i>
<i>20,000,000 gallons or more but less than 40,000,000 gallons of process water daily</i>	<i>10,000</i>	<i>30,000</i>
<i>40,000,000 gallons or more of process water daily.....</i>	<i>10,000</i>	<i>40,000</i>

***DISCHARGE FROM A TREATMENT
PLANT FOR DRINKING WATER***

<i>Intermittent discharge of less than 100,000 gallons daily.....</i>	<i>\$500</i>	<i>\$500</i>
<i>Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily</i>	<i>750</i>	<i>750</i>
<i>Intermittent discharge of 1,000,000 gallons or more daily</i>	<i>1,000</i>	<i>1,000</i>
<i>Routine discharge of less than 100,000 gallons daily.....</i>	<i>500</i>	<i>500</i>
<i>Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily</i>	<i>750</i>	<i>750</i>
<i>Routine discharge of 1,000,000 gallons or more daily</i>	<i>1,000</i>	<i>1,000</i>

***DISCHARGE OF WASTEWATER
FROM A CONCENTRATED ANIMAL
FEEDING OPERATION***

<i>Less than 100,000 gallons daily.....</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>100,000 gallons or more but less than 500,000 gallons daily.....</i>	<i>2,000</i>	<i>2,000</i>
<i>500,000 gallons or more daily.....</i>	<i>2,500</i>	<i>2,500</i>

***PERMIT FOR A CONCENTRATED
ANIMAL FEEDING OPERATION
THAT DOES NOT DISCHARGE
WASTEWATER***

<i>Area of a holding facility that is less than 10 acres</i>	<i>\$1,500</i>	<i>\$1,500</i>
<i>Area of a holding facility that is 10 acres or more but less than 20 acres</i>	<i>2,000</i>	<i>2,000</i>

<i>Area of a holding facility that is 20 acres or more.....</i>	<i>2,500</i>	<i>2,500</i>
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**DISCHARGE FROM A FISH
HATCHERY**

<i>Less than 500,000 gallons daily.....</i>	<i>\$750</i>	<i>\$750</i>
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<i>500,000 gallons or more but less than 2,500,000 gallons daily.....</i>	<i>1,000</i>	<i>1,000</i>
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<i>2,500,000 gallons or more daily.....</i>	<i>1,500</i>	<i>1,500</i>
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OTHER PERMITTED DISCHARGES

<i>Less than 50,000 gallons daily.....</i>	<i>\$1,000</i>	<i>\$1,000</i>
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<i>50,000 gallons or more but less than 250,000 gallons daily.....</i>	<i>1,500</i>	<i>1,500</i>
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<i>250,000 gallons or more but less than 500,000 gallons daily.....</i>	<i>3,000</i>	<i>3,000</i>
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<i>500,000 gallons or more but less than 1,000,000 gallons daily.....</i>	<i>5,000</i>	<i>5,000</i>
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<i>1,000,000 gallons or more but less than 10,000,000 gallons daily.....</i>	<i>10,000</i>	<i>10,000</i>
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<i>10,000,000 gallons or more but less than 35,000,000 gallons daily.....</i>	<i>10,000</i>	<i>20,000</i>
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<i>35,000,000 gallons or more daily.....</i>	<i>10,000</i>	<i>30,000</i>
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**REUSE OF
SEWAGE SLUDGE**

<i>Less than 20,000 cubic yards per year.....</i>	<i>\$1,500</i>	<i>\$1,500</i>
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<i>20,000 cubic yards or more per year.....</i>	<i>3,000</i>	<i>3,000</i>
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REUSE OF DOMESTIC SEPTAGE	\$1,000	\$1,000
DISCHARGE FROM A RECREATIONAL LAKE	\$5,000	\$5,000
TEMPORARY PERMIT	\$250	Not Applicable

2. Except as otherwise provided in this subsection and subsection 7, a nonrefundable application fee must accompany each original application for a permit and each application to renew a permit for the discharges set forth in this subsection that is submitted to or required by the director. The director shall charge the following fees:

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
DOMESTIC WASTE WATER			
5,000 or more but less than 25,000 gallons daily	\$375	\$125	\$600
25,000 or more but less than 100,000 gallons daily	500	250	850
100,000 or more but less than 1,000,000 gallons daily	750	375	1,000
1,000,000 or more but less than 10,000,000 gallons daily	1,000	500	2,000
10,000,000 or more gallons daily	1,250	625	2,500
MANUFACTURING, POWER PLANTS (excluding geothermal power plants which are not subject to NPDES), MINING DEWATERING AND OTHER INDUSTRY]			

DISCHARGE TO GROUND WATER FROM THE DEWATERING OF A MINE

Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily	625	315	1,500
50,000 <i>gallons</i> or more but less than 1,000,000 gallons of process water daily	875	440	2,000
1,000,000 <i>gallons</i> or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
5,000,000 <i>gallons</i> or more {gallons} of process water daily	1,250	625	3,000

~~WATER TREATMENT PLANTS~~

Intermittent discharge	\$250	\$125	\$500
Routine discharge	375	190	750

MINING

Discharging washwater where chemicals are not added for metallurgical recovery	\$500	\$500	\$250
Chemically processing less than 18,250 tons per year or a pilot or testing facility	500	500	250
Chemically processing 18,250 to <i>tons per year or more but</i> less than 36,500 tons per year	1,500	1,500	1,000

Chemically processing 36,500 {to} <i>tons per year</i> <i>or more but</i> less than 100,000 tons per year	4,000	4,000	2,000
Chemically processing 100,000 {to} <i>tons per year</i> <i>or more but</i> less than 500,000 tons per year	6,000	6,000	4,000
Chemically processing 500,000 {to} <i>tons per year</i> <i>or more but</i> less than 1,000,000 tons per year	10,000	10,000	6,000
Chemically processing 1,000,000 {to} <i>tons per year</i> <i>or more but</i> less than 2,000,000 tons per year	14,000	14,000	10,000
Chemically processing {more than} 2,000,000 tons per year <i>or more</i>	20,000	20,000	16,000
Monitoring of closed facilities	250	250	500
<i>RUNOFF OF</i> STORM WATER {RUNOFF}			
Industrial or commercial facility, including any structure, that is 5 <i>acres</i> to 10 acres, inclusive, in size	\$300	\$150	\$750
Industrial or commercial facility, including any structure, that is {greater} <i>more</i> than 10 acres {and} <i>but</i> less than 25 acres in size	600	300	750

Industrial or commercial facility, including any structure, that is {greater} <i>more</i> than 25 acres in size	1,000	500	750
Municipality whose population is 250,000 or less.....	600	300	750
Municipality whose population is {greater} <i>more</i> than 250,000	1,000	500	1,000

~~{MISCELLANEOUS DISCHARGES}~~

Discharge from fish hatcheries.....	\$250	\$125	\$300
Other permits for discharge.....	250	125	500

~~2. An applicant for a permit or for the renewal of a permit to use wastewater for irrigation which has been treated by a person other than the applicant must pay a fee in an amount equal to 75 percent of the amount of the fee required by subsection 1 for domestic wastewater.]~~

3. To determine the number of acres of a holding facility for an application fee or a fee for the annual review and services for a permit issued to a concentrated animal feeding operation that does not discharge wastewater, the director shall multiply the number of animals in the concentrated animal feeding operation by .0023.

4. An application fee or a fee for the annual review and services charged pursuant to subsection 1 must be based upon the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The application fee for a permit with a term of less than 5 years must be reduced by the director in accordance with the term of the permit, but in no case may the fee be reduced by an amount equal to more than one-third of the fee ~~{stated in subsection 1.}~~

4.] set forth in this section.

6. If required, the fee for the annual review and services must be ~~{submitted}~~ *:*

(a) Submitted to the division on or before July 1 of each year ~~{~~

~~5.}~~ *; and*

(b) Paid in advance for the period of review that relates to the fiscal year following payment.

7. If a storm water runoff permit is not required, the director may refund the application fee for the permit.

8. *The director may allow a holder of a permit to pay any fee required by subsection 1 pursuant to a payment plan if the holder of the permit submits a petition to the division, on a form prescribed by the division, that demonstrates that the payment of the fee in a lump sum would cause financial hardship to the holder of the permit.*

9. *As used in this section:*

(a) *“Concentrated animal feeding operation” has the meaning ascribed to it in 40 C.F.R. § 122.23.*

(b) *“Domestic septage” has the meaning ascribed to it in 40 C.F. R. § 503.9.*

(c) *“Sewage sludge” has the meaning ascribed to it in 40 C.F.R. § 503.9.*

SECOND
PARALLEL
SECTION

Section 2. NAC 445A.232 is hereby amended to read as follows:

445A.232 1. Except as otherwise provided in subsections 2 and 7, a nonrefundable application fee must accompany each original application for a permit, each application for a modification to a permit, other than a minor modification made pursuant to NAC 445A.263, and each application to renew a permit which is submitted to or required by the director. The director shall charge the following fees:

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
DISCHARGE OF DOMESTIC WASTEWATER		
Less than 50,000 gallons daily	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily	1,500	1,500
250,000 gallons or more but less than 500,000 gallons daily	2,000	2,000
500,000 gallons or more but less than 1,000,000 gallons daily	3,000	3,000
1,000,000 gallons or more but less than 2,000,000 gallons daily	4,000	4,000
2,000,000 gallons or more but less than 5,000,000 gallons daily	6,000	6,000

5,000,000 gallons or more but less than 10,000,000 gallons daily	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons daily	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons daily	10,000	30,000
40,000,000 gallons or more daily	10,000	40,000

DISCHARGE OF TREATED
EFFLUENT FOR IRRIGATION

Less than 50,000 gallons daily	\$750	\$750
50,000 gallons or more but less than 250,000 gallons daily	1,000	1,000
250,000 gallons or more but less than 500,000 gallons daily	1,250	1,250
500,000 gallons or more but less than 1,000,000 gallons daily	1,500	1,500
1,000,000 gallons or more but less than 10,000,000 gallons daily	2,000	2,000
10,000,000 gallons or more but less than 20,000,000 gallons daily	2,500	2,500
20,000,000 gallons or more but less than 40,000,000 gallons daily	3,000	3,000
40,000,000 gallons or more daily	3,500	3,500

DISCHARGE FROM REMEDIATION,
DEWATERING, OTHER THAN A DISCHARGE
TO GROUND WATER FROM THE
DEWATERING OF A MINE, OR FROM A
POWER PLANT, A MANUFACTURING OR

FOOD PROCESSING FACILITY OR ANY
OTHER COMMERCIAL OR INDUSTRIAL
FACILITY

Cooling water only	\$2,000	\$2,000
Less than 50,000 gallons of process water daily	2,500	2,500
50,000 gallons or more but less than 250,000 gallons of process water daily	3,000	3,000
250,000 gallons or more but less than 500,000 gallons of process water daily	4,000	4,000
500,000 gallons or more but less than 1,000,000 gallons of process water daily	5,000	5,000
1,000,000 gallons or more but less than 2,000,000 gallons of process water daily	6,000	6,000
2,000,000 gallons or more but less than 5,000,000 gallons of process water daily	8,000	8,000
5,000,000 gallons or more but less than 10,000,000 gallons of process water daily	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily	10,000	30,000
40,000,000 gallons or more of process water daily	10,000	40,000

DISCHARGE FROM A TREATMENT
PLANT FOR DRINKING WATER

Intermittent discharge of less than 100,000 gallons daily	\$500	\$500
Intermittent discharge of 100,000 gallons or		

more but less than 1,000,000 gallons daily	750	750
Intermittent discharge of 1,000,000 gallons or more daily	1,000	1,000
Routine discharge of less than 100,000 gallons daily	500	500
Routine discharge of 100,000 gallons or more but less than 1,000,000 gallons daily	750	750
Routine discharge of 1,000,000 gallons or more daily	1,000	1,000
DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL FEEDING OPERATION		
Less than 100,000 gallons daily	\$1,500	\$1,500
100,000 gallons or more but less than 500,000 gallons daily	2,000	2,000
500,000 gallons or more daily	2,500	2,500
PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION THAT DOES NOT DISCHARGE WASTEWATER		
Area of a holding facility that is less than 10 acres.....	\$1,500	\$1,500
Area of a holding facility that is 10 acres or more but less than 20 acres.....	2,000	2,000

Area of a holding facility that is 20 acres or more	2,500	2,500
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DISCHARGE FROM A FISH HATCHERY

Less than 500,000 gallons daily	\$750	\$750
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500,000 gallons or more but less than 2,500,000 gallons daily	1,000	1,000
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2,500,000 gallons or more daily	1,500	1,500
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OTHER PERMITTED DISCHARGES

Less than 50,000 gallons daily	\$1,000	\$1,000
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50,000 gallons or more but less than 250,000 gallons daily	1,500	1,500
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250,000 gallons or more but less than 500,000 gallons daily	3,000	3,000
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500,000 gallons or more but less than 1,000,000 gallons daily	5,000	5,000
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1,000,000 gallons or more but less than 10,000,000 gallons daily	10,000	10,000
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10,000,000 gallons or more but less than 35,000,000 gallons daily	10,000	20,000
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35,000,000 gallons or more daily	10,000	30,000
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REUSE OF SEWAGE SLUDGE

Less than 20,000 cubic yards per year	\$1,500	\$1,500
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20,000 cubic yards or more per year	3,000	3,000
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REUSE OF DOMESTIC SEPTAGE	\$1,000	\$1,000
DISCHARGE FROM A RECREATIONAL LAKE	\$5,000	\$5,000
TEMPORARY PERMIT	\$250	Not Applicable

2. Except as otherwise provided in this subsection and subsection 7, a nonrefundable application fee must accompany each original application for a permit and each application to renew a permit for the discharges set forth in this subsection that is submitted to or required by the director. The director shall charge the following fees:

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit and	Fee for Annual Review Services
DISCHARGE TO GROUND WATER FROM THE DEWATERING OF A MINE			
Cooling water only	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily	625	315	1,500
50,000 gallons or more but less than 1,000,000 gallons of process water daily	875	440	2,000
1,000,000 gallons or more but less than 5,000,000 gallons of process water daily	1,000	500	2,500
5,000,000 gallons or more of process water daily	1,250	625	3,000
MINING			
Discharging washwater where chemicals are not added for metallurgical recovery	\$500	\$500	\$250

Chemically processing less than 18,250 tons per year or a pilot or testing facility.....	500	500	250
Chemically processing 18,250 tons per year or more but less than 36,500 tons per year	1,500	1,500	2,000
Chemically processing 36,500 tons per year or more but less than 100,000 tons per year	4,000	4,000	4,000
Chemically processing 100,000 tons per year or more but less than 500,000 tons per year	6,000	6,000	8,000
Chemically processing 500,000 tons per year or more but less than 1,000,000 tons per year	10,000	10,000	10,000
Chemically processing 1,000,000 tons per year or more but less than 2,000,000 tons per year	14,000	14,000	14,000
Chemically processing 2,000,000 tons per year or more	20,000	20,000	20,000
Monitoring of closed facilities	250	250	500
RUNOFF OF STORM WATER			
Industrial or commercial facility, including any structure, that is 5 acres to 10 acres, inclusive, in size	\$300	\$150	\$750

Industrial or commercial facility, including any structure, that is more than 10 acres but less than 25 acres in size	600	300	750
Industrial or commercial facility, including any structure, that is more than 25 acres in size	1,000	500	750
Municipality whose population is 250,000 or less.....	600	300	750
Municipality whose population is more than 250,000	1,000	500	1,000

3. To determine the number of acres of a holding facility for an application fee or a fee for the annual review and services for a permit issued to a concentrated animal feeding operation that does not discharge wastewater, the director shall multiply the number of animals in the concentrated animal feeding operation by .0023.

4. An application fee or a fee for the annual review and services charged pursuant to subsection 1 must be based upon the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The application fee for a permit with a term of less than 5 years must be reduced by the director in accordance with the term of the permit, but in no case may the fee be reduced by an amount equal to more than one-third of the fee set forth in this section.

6. If required, the fee for the annual review and services must be:

(a) Submitted to the division on or before July 1 of each year; and

(b) Paid in advance for the period of review that relates to the fiscal year following payment.

7. If a storm water runoff permit is not required, the director may refund the application fee for the permit.

8. *On July 1, 2002, and on July 1 of each even-numbered year thereafter, up to and including July 1, 2010, the director shall increase by 5 percent each fee for the annual review and services set forth in subsection 1. To determine the amount of each fee that is due on or after July 1, 2002, the director shall multiply the fee set forth in subsection 1 by:*

(a) For the fees due on July 1, 2002, and July 1, 2003, 1.05;

(b) For the fees due on July 1, 2004, and July 1, 2005, 1.1025;

(c) For the fees due on July 1, 2006, and July 1, 2007, 1.1576;

(d) For the fees due on July 1, 2008, and July 1, 2009, 1.2155; and

(e) For the fees due on or after July 1, 2010, 1.2763.

In establishing the annual fee for the review and services pursuant to this subsection, the director shall round to the nearest dollar.

9. The director may allow a holder of a permit to pay any fee required by subsection 1

pursuant to a payment plan if the holder of the permit submits a petition to the division, on a form prescribed by the division, which demonstrates that the payment of the fee in a lump sum would cause financial hardship to the holder of the permit.

~~9.~~ **10.** As used in this section:

(a) “Concentrated animal feeding operation” has the meaning ascribed to it in 40 C.F.R. § 122.23.

(b) “Domestic septage” has the meaning ascribed to it in 40 C.F. R. § 503.9.

(c) “Sewage sludge” has the meaning ascribed to it in 40 C.F.R. § 503.9.

Sec. 3. NAC 445A.263 is hereby amended to read as follows:

445A.263 1. Except as otherwise provided in this section, the director may, after notice and opportunity for a public hearing, modify, suspend or revoke any permit in whole or in part during its term for cause including, but not limited to, the causes listed in NAC 445A.261 or for failure or refusal of the holder of the permit to carry out the requirements of NAC 445A.247.

2. The director may, upon the request of the holder of the permit, ~~revise or~~ modify a schedule of compliance in an issued permit if:

(a) He determines good ~~and valid cause, such as~~ **cause, including, without limitation**, an act of God, **or a** strike, flood, materials shortage or **any** other event over which the holder has little or no control, exists for ~~such revision;~~ **the modification;** and

(b) Within 30 days ~~following~~ **after** receipt of notice from the director, the regional administrator does not object in writing.

3. The director may, upon request of the holder of a permit, modify or revoke and reissue a permit to identify a new ~~permittee~~ **holder of the permit** and incorporate such other requirements as necessary if:

(a) The current ~~permittee~~ **holder of the permit** notifies the department at least 30 days before the proposed date of the transfer; and

(b) The notice provided pursuant to paragraph (a) includes, without limitation, a written agreement between the existing and new ~~permittees~~ **holders of the permit** containing a specific date for transfer of the permit responsibility, coverage and liability.

4. With the consent of the ~~permittee~~ **holder of the permit** and without public notice, the director may make minor modifications to a permit to:

(a) Correct typographical errors;

(b) Clarify the language of the permit;

(c) Require more frequent monitoring or reporting by the ~~permittee;~~ **holder of the permit;**

(d) Change an interim compliance date;

(e) Allow for a change in ownership or operational control of a facility if the department determines that no other change in the permit is necessary and a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new ~~permittees~~ **holders of the permit** has been submitted to the department;

(f) Change the construction schedule for a discharger which is a new source if such **a** change does not affect an obligation of the discharger to have all pollution control equipment installed and

in operation before discharge; ~~for~~

(g) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits ~~H~~;
or

(h) Reduce the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The director may reissue a permit that has been revoked and may require an updated application from the ~~permittee~~ *holder* of the revoked permit.

6. If a permit is to be modified, only the conditions that are subject to modification may be considered or affected by the modification. If a permit is to be revoked and reissued, the entire permit may be considered and is subject to revision.

7. A person aggrieved by the modification, suspension or revocation of a permit may file a notice of appeal with the commission within 10 days after the date of notice of action of the department, except as otherwise provided by law.

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